

March 20, 2026

BY: EMAIL

Multnomah County Land Use Planning
1600 SE 190th Ave Portland, OR 97233
lup-hearings@multco.us

RE: T2-2025-0048: Applicant's Second Open Record Period Submittal

36800 Southeast Lusted Road

Mr. Kearns,

On behalf of the applicant, this letter provides responsive evidence to information submitted in the first open record period. This letter is provided for the record in the case related to the raw water pipeline tunnel site (T2-2025-0048).

Nighttime Lighting

A number of first open record period submissions, as well as oral testimony at the hearing, expressed concerns about construction lighting at night. However, the "attached photographs" in Exhibit I.9 (CCPO) and accompanying text relate entirely to the main construction site, not to the raw water portal site under review in this case, T2-2025-0048. Both photographs¹ are taken "from SE Bluff Rd" and reference the trailer area "directly west of the Pleasant Home Water District water towers." Exhibit I.9, pages 3-4. The raw water portal site under review in this case cannot be seen from Bluff Road and is not adjacent to the Pleasant Home Water District water towers.

Regardless, we note that light from the construction site as a whole is outside the scope of these proceedings, and the lighting depicted in those photographs is not associated with the temporary construction office trailers under review in the separate case related to the main filtration facility construction site. Instead, the lighting primarily originates from water management systems that must operate continuously to manage water on the site, particularly during a period of unusually high precipitation associated with recent atmospheric river events.

The photographs themselves are also misleading with respect to perceived brightness. The visible stars in the background indicate the use of automatic low-light amplification, likely from an

¹ We note that the photographs in Exhibit I.11 are dated in 2025, when the project was suspended and no construction activities were occurring. It is likely that those dates were intended to be in 2026 instead of 2025, and we have responded accordingly.

iPhone or other consumer camera, which materially exaggerates apparent illumination levels and does not accurately represent lighting as perceived by the human eye. As shown on the photographs that follow, the photos taken by the applicant and contractors in their investigations show far different results.

Photo 1: Pipeline contractor's photo of pipeline shaft site to the east of the main filtration facility site.



Image_TC_05204 – BRCP Shaft Site picture from Bluff

Photo 2 and 3: Applicant's photos dated March 19, 2026 taken at 6:20 am depicting construction lighting at Filtration Facility. Photo taken from SE Bluff Rd looking north. Main construction office trailer location circled in yellow.



Overall, the photographs submitted in the first open record period both (1) depict lighting unrelated to the temporary construction office trailers at issue in this case, and unrelated to the construction office trailers in the case related to the construction site they depict, and (2) do not reliably reflect the actual human experience of construction-related lighting conditions. Both contractors have confirmed that all lighting supporting construction office trailers is compliant with dark sky standards, including being fully shielded with opaque materials and directed downwards.

Work Hours

The CCPO claims that “[a]ccording to the permit, approved work hours are from 7:00 a.m. to 6:00 p.m.” and objects to lighting outside of these hours. Exhibit I.9, page 2. The referenced hours relate only to noise ordinance compliance that the applicant offered to self-impose as part of the primary conditional use permit proceedings. The noise ordinance otherwise exempts construction activities. The applicant’s offer to nevertheless comply with the noise ordinance overnight was codified in a condition of approval for the main permit. However, there are no requirements in the land use permits for this project that relate to hours of work more generally or to hours when lighting is allowed specifically.

Best Regards,



Zoee Lynn Powers